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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,816	12/21/2001	Chih-Chien Tang	3313-0448P-SP	3201

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EXAMINER

SURYAWANSHI, SURESH

ART UNIT PAPER NUMBER

2115

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,816

Applicant(s)

TANG, CHIH-CHIEN

Examiner

Suresh K Suryawanshi

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-7 are presented for examination.

#### ***Drawings***

2. Figures 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: symbol "2" should have been "3" at page 2, line 9 and symbol "3" should have been "2" at page 2, line 10.

Appropriate correction is required.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: "savingsaid" should have been "saving said" at line 12.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi et al (US Patent no 6,769,059 B1).

7. As per claim 1, Qureshi et al disclose

setting up at least one updating control key [col. 1, lines 44-50; col. 2, lines 26-29; hot key sequence];

adding a distinguishing signal and an updating instruction to the Boot block of the BIOS, the distinguishing signal used to distinguish the updating control key [col. 2, lines 37-45; BIOS looks for the distinguish signal from a hot key sequence];

pressing at least one updating control key to send out the updating control signal [col. 1, lines 44-50; col. 2, lines 26-29, 37-45; hot key sequence]; and

executing the updating instruction, deleting the BIOS, updating the updating BIOS and savings aid updating BIOS [col. 1, lines 44-50; col. 2, lines 37-45; upon detection of a hot key sequence, the system BIOS reads the new video BIOS].

Qureshi et al clearly disclose the method of updating a video BIOS with the use of a keyboard having at least one updating control key. Qureshi et al do not expressly disclose the method for updating the keyboard BIOS. However, a routineer in the art would be able to modify the disclosed method to update the keyboard BIOS as the keyboard BIOS is a similar kind of program and stored in the storage medium (usually the system BIOS). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention to update the keyboard BIOS with a hot key sequence on the keyboard. Moreover, the system and method in accordance with the disclosed invention by Qureshi et al will be useful for updating a BIOS in a system architecture that utilizes a controller that is separate from the system BIOS because the BIOS is implemented as an independent and modularized unit, updates of the controller may be easily achieved by a simple modification to the video-BIOS update mechanism as disclosed by Qureshi et al. Similarly, the disclosed invention by Qureshi et al is particularly useful where the BIOS is expected to be further developed and altered.

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8. As per claim 2, Qureshi et al teach that the keyboard controller is a super BIOS [col. 1, lines 17-18; the system BIOS].

9. As per claim 3, Qureshi et al teach that the updating control key are LID\_SW (lid switch) key or STB\_SW (stand by switch) key [col. 2, lines 26-29; a hot key].

10. As per claim 4, Qureshi et al teach that keyboard BIOS sends said updating instruction according to the distinguishing signal and distinguishes the updating control signal pressed by the user [col. 2, lines 37-45; hot key signal].

11. As per claim 7, Qureshi et al teach that the keyboard BIOS is deleted and the refreshing keyboard BIOS is saved in the keyboard controller when the BIOS executes the refreshing instruction [inherent to the system as the BIOS will be updated].

12. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi et al (US Patent no 6,769,059 B1) in view of Applicant Disclosed Prior Art (ADPA).

13. As per claim 5, Qureshi et al do not expressly disclose about determining whether said keyboard BIOS and said updating keyboard BIOS are the same by said system when user presses at least one of said updating control keys. However, ADPA has clearly disclosed it in the section of related art in the specification [page 2, lines 7-16].

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14. As per claim 6, Qureshi et al do not expressly disclose about saving the updating keyboard BIOS when the system determines the keyboard BIOS is different from the updating keyboard BIOS. However, ADPA has clearly disclosed it in the section of related art in the specification [page 2, lines 7-16].

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K Suryawanshi whose telephone number is 703-305-3990 (starting 10/18/04, please use 571-272-3668). The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717 (starting 10/18/04, please use 571-272-3667). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sks

September 30, 2004

  
THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100